IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.140 OF 2007
IN
CRIMINAL APPEAL NO.145 OF 2007

Nanku @ Rohit Ramdulare ...Applicant.

Versus

State of Maharashtra ...Respondent.

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Mr.A.S.Rajdhyaksha, Advocate for the Applicant.
Smt.S.V.Gajare, APP, for the State.

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CORAM : SMT.V.K.TAHILRAMANI,J.

DATED : 20th February, 2007.

P.C.:

1. Heard the learned Advocate for the Applicant and the learned APP for the State.

2. The applicant has been mainly convicted under Section 376 of IPC and sentenced to suffer imprisonment for three years. The applicant is now seeking bail.

3. The learned Advocate for the applicant has submitted that it was a case of consent and infact the prosecutrix had stayed with the applicant for a period of about three months. The evidence on

record discloses that there was love-affair between the prosecutrix and the applicant. However, only because the prosecutrix was below 16 years, the applicant has been convicted for rape. The learned Advocate for the applicant has further submitted that the applicant was on bail during the trial and he has not misused the liberty granted to him. This statement is not controverted by the prosecution.

4. Looking to all these facts, I am inclined to release the applicant on bail.

5. The applicant to be released on bail in the sum of Rs.15000/- with one or two sureties to make up the said amount. The applicant shall report to Meghwadi Police Station, Mumbai once in a month, till the disposal of his Appeal.

6. Application is disposed of accordingly.

(SMT.V.K.TAHILRAMANI,J.)